



**Bureau of Nutrition, Health and  
Transportation Services**

**Civil Rights Training Manual  
July, 2008**

Civil Rights in Iowa Child Nutrition Programs

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CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF EDUCATION  
JUDY A. JEFFREY, DIRECTOR

Date: June 16, 2006

To: Child Nutrition Programs

From: Bureau of Nutrition, Health and Transportation Services

### Civil Rights in Child Nutrition Programs

As eligible participants in the federally assisted Child Nutrition Program (CNP), the people we serve have certain rights. These rights, collectively called Civil Rights, grant protection to program participants ensuring that each one has equal access to program benefits. CNPs must take effective steps to ensure that participants' civil rights are honored and that program benefits are administered equitably. No eligible person may be subjected to discriminatory behavior in the administration of a CNP. Six protected classes have been established by the United States Department of Agriculture; discrimination is prohibited based on race, color, national origin, sex, age, or disability.

Iowa law extends protection against discrimination in public accommodations to nine protected classes: race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion.

No CNP is exempt from these prohibitions against discriminatory behavior.

The United States Department of Agriculture requires that all programs participating in CNP train their staff members as part of the effort to ensure that participants' civil rights are protected. As the State Agency (SA), we must provide training opportunities to each CNP.

This manual is designed to be a tool to assist you in providing training. Our goal in developing this manual was to make available to CNPs several ready-made options to deliver the required training. You will find self assessment tools, training handouts, training documentation forms, pre and post tests, links to PowerPoint presentations, and many references.

If you have questions, please contact the State Agency at 515-281-5356.

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## Framework

Welcome to the Iowa Department of Education, Bureau of Nutrition, Health and Transportation Services manual on Civil Rights in Child Nutrition Programs.

Following the ratification of Article XIII of the US Constitution, the first Civil Rights legislation was passed by Congress in 1866. That was the first law to grant protection to all citizens regardless of race and color. That same Congress approved the Fourteenth Amendment which mandated that no State shall “deprive a person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction equal protection of the law.”

This legislation served as the background for the development of the Civil Rights laws we have today.

United States Department of Agriculture (USDA) regulations prohibit discrimination in Child Nutrition Programs operated under its jurisdiction. Six protected classes are identified by USDA. Iowa law prohibits discrimination in public accommodation, identifying nine protected classes. School meals programs such as National School Lunch Programs (NSLP), School Breakfast Programs (SBP), Afterschool Snack Programs and Special Milk Programs; Child and Adult Care Feeding Programs (CACFP) serving adults or children in center based or home based day care; and Summer Feeding Programs (SFSP) are all nutrition programs operated under the jurisdiction of USDA and public accommodation under Iowa law. **They are obligated to meet the requirements of BOTH the USDA regulations and Iowa law regarding Civil Rights.**

This manual is not intended to be a definitive source of information on compliance with Civil Rights requirements of USDA regulations or Iowa law. Civil Rights matters can be complicated in their interpretation and enforcement. Evidence of discrimination may be direct or circumstantial and may be found in various sources. Discriminatory practices may have a disparate impact on a person or persons or a particular group or include inappropriate conversations or actions against an individual because of some trait or attribute. Participating CNPs are strongly urged independently to seek appropriate advice in these matters. Some resources are included in the resource section at the end of this manual.

The chart on the following page is a summary of the major requirements for Civil Rights compliance in Iowa Child Nutrition Programs.

# Regulations and Policy

Regulation Reference	Required Practices for Program Management and Supervision
7 CFR parts 210, 215, 220, 225, 226	<p><b>(1) <u>USDA Civil Rights Policy</u></b></p> <p>In CNP institutions, no person shall, on the grounds of race, color, national origin, sex, age or disability, be denied the benefits of the CNP or otherwise be subjected to discrimination in the CNP.</p>
Iowa Code sections 216.7 and 216.9	<p><b>(2) <u>Iowa Civil Rights Policy</u></b></p> <p>Public accommodations in Iowa shall not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion in its programs, activities, or employment.</p> <p>Educational institutions (which include all preschools, elementary and secondary schools, community colleges, AEAs, and colleges and universities) in Iowa shall not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program, activity, or employment.</p>
FNS Instruction 113-1	<p><b>(3) <u>USDA Basic Civil Rights Requirements</u></b></p> <p>All requirements are included in the Food and Nutrition Services (FNS) Civil Rights Instruction issued 11/8/2005. It is available on-line at <a href="http://www.fns.usda.gov/cr/Documents/113-1.pdf">http://www.fns.usda.gov/cr/Documents/113-1.pdf</a>.</p>
Iowa Code sections 216.7 and 216.9	<p><b>(4) <u>Iowa Basic Civil Rights Requirements</u></b></p> <p>The statute is available on-line at <a href="http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&amp;service=iowaCode&amp;ga=82">http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&amp;service=iowaCode&amp;ga=82</a>.</p> <p>The Iowa Civil Rights Commission is the source of information and advice regarding compliance with Iowa Civil Rights requirements. Contact them at Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; web site: <a href="http://www.state.ia.us/government/crc/index.html">http://www.state.ia.us/government/crc/index.html</a>.</p>
FNS Instruction 113-1	<p><b>(5) <u>Civil Rights Poster</u></b></p> <p>Participating entities will display a USDA Civil Rights poster ("And Justice for All") at each site in a visible public location. The poster is available on-line in English and eleven other languages at <a href="http://www.fns.usda.gov/cr/justice.htm#Translations">http://www.fns.usda.gov/cr/justice.htm#Translations</a>.</p>
FNS Instruction 113-1	<p><b>(6) <u>USDA Notice</u></b></p> <p>All participating entities must provide to households a notice informing them of the organization's CNP participation; CNP benefits; Civil Rights and the method to file a complaint of discrimination.</p>
FNS Instruction 113-1	<p><b>(7) <u>Training</u></b></p> <p>Staff who interact with Program applicants or participants, and persons who supervise these staff must be provided Civil Rights training on an annual basis. USDA Training must include collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of non-compliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution and customer service.</p>

## Acronyms and Definitions

**ADR:** Alternative Dispute Resolution. ADR includes the use of a neutral third party (facilitator) to resolve a complaint of discrimination informally. The facilitator works with the parties to help them develop an agreeable resolution to their problems.

**AEA:** Area Education Agency.

**CACFP:** Child and Adult Care Feeding Program.

**CFR:** Code of Federal Regulations. Also called Federal rules or Federal regulations.

**CNP:** Child Nutrition Program, a feeding program funded by the United States Department of Agriculture under Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, as amended.

**DE:** Iowa Department of Education.

**DHS:** Iowa Department of Human Services.

**Entity:** any state or local program that provides services or benefits of a Child Nutrition Program.

**FNS:** Food and Nutrition Services, a division of the United States Department of Agriculture (USDA).

**FNSRO:** Food and Nutrition Services Regional Office. The Regional Office covering Iowa is located in Denver CO.

**Front Line Staff:** staff who regularly interact with children or adults who are participating in a CNP or are potential participants in a CNP or members of the public seeking information about CNP participation.

**HP:** home provider, a kind of Child and Adult Care Feeding Program that provides support for meals in qualifying in-home day care locations.

**LEA:** Local Education Agency.

**LEP:** Limited English Proficiency. A term describing persons who, as a result of national origin, are limited in their English proficiency. People with LEP are those who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

**NSLP:** National School Lunch Program.

**Public Accommodation:** 1.) Any place that offers goods or services to the public for a price, such as retail stores, restaurants, movie theaters, banks, sporting events, fitness centers, hospitals. 2.) Any place offering free services if that place receives governmental support or subsidy, such as food banks, shelters, disaster relief, civic festivals. 3.) any state, local, or governmental unit that receives tax support, such as police departments, schools, mass transit, libraries.

**SA:** State Agency, the Bureau of Nutrition, Health and Transportation Services.

**SBP:** School Breakfast Program.

**SFSP:** Summer Food Service Program.

**SMP:** Special Milk Program.

**SP:** School programs, which include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and Special Milk Programs (SMP).

**TDD:** Telecommunication Device for the Deaf.

**TTY:** Telephone typewriter. This is the culturally preferred term. See also TDD.

**USC:** United States Code, also called Federal law.

**USDA:** United States Department of Agriculture.

## **Role of the State Agency**

### **Training**

The State Agency (SA) is required by USDA to provide training to participating entities on Civil Rights, based on the USDA protected classes. The Iowa State Agency has chosen to include training on the Civil Rights requirements for public accommodations in Iowa. The protected classes, procedures to make and resolve complaints, the overseeing agencies and the penalties for non-compliance differ under USDA rules and Iowa law. This manual will differentiate between USDA and Iowa requirements when appropriate.

This electronic manual and the associated PowerPoint presentations are one method of training participating entities on Civil Rights requirements. Training sessions, both live and over the ICN, will be conducted periodically throughout the year.

### **Compliance with Training**

The SA is required to ensure that participating entities comply with training requirements prior to approving applications to participate in nutrition programs funded through USDA. In most circumstances, this responsibility will be fulfilled based on certifying statements made by participating entities in the application process.

### **Compliance with Civil Rights Requirements**

The SA is required to assess that participating entities appear to be compliant with USDA Civil Rights standards. During reviews of your programs, consultants from the SA will observe or review practices and procedures related to access, public notice, accommodations, complaint management, data management, and customer service.

The SA will also inform the participating agency if practices and procedures appear to be non-compliant with Iowa Civil Rights requirements. The SA may inform other agencies or oversight entities of apparent non-compliance with Iowa Civil Rights requirements. Examples of other agencies or oversight entities may include the Iowa Department of Human Services, the Iowa Department of Inspections and Appeals, the Bureau of Accreditation and Improvement Services of the Iowa Department of Education, and the Iowa Civil Rights Commission.

If the SA determines that a participating entity apparently is not in compliance with USDA Civil Rights standards, a plan of correction will be developed to achieve voluntary compliance by the participating entity. If voluntary compliance is not completed within 60 calendar days, the SA will report the situation to the USDA Food and Nutrition Services Regional Office (FNSRO).

### **Consultative Services**

The SA is not the enforcement agency for either USDA or Iowa Civil Rights requirements. As such, the SA will not provide technical assistance or advice to participating entities regarding the appropriateness or legality of any practice or procedure. Civil Rights matters can be complicated in their interpretation and enforcement. Participating programs are strongly urged independently to seek appropriate advice in these matters.



## Civil Rights Requirements in CNPs

There are several requirements that must be met by CNPs in Iowa, to help ensure compliance with Civil Rights rules and laws. These are public notice, training, data collection and reporting, compliance reviews, resolution of non-compliance, receiving complaints, services to persons with limited English proficiency and services to persons with hearing impairments. These requirements are described in more detail below.

### Public Notice

The CNP must notify the public of the program availability, the program's policy of non-discrimination, program rights and responsibilities and procedures for filing complaints. Iowa CNPs must include both the USDA and the Iowa notice. Alternate formats must be provided for persons with disabilities.

Public notice must include all the following, each described in more detail below:

- the use of the appropriate non-discrimination notices,
- the display of the USDA Civil Rights poster, "And Justice for All,"
- a media notice,
- if photos or graphic depictions are used, material must convey the message of equal opportunity.

### Non-Discrimination Notices



United States Department of Agriculture

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

USDA permits the use of a shorter notice:

"This institution is an equal opportunity provider."



"It is the policy of (Name of CNP provider) not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.7. If you have questions or grievances related to compliance with this policy by (Name of CNP Provider), please contact the Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; web site: <http://www.state.ia.us/government/crc/index.html>."

If the CNP participates in NSLP or SBP, the Iowa Code section 216.9 must also be referenced.

The USDA notice must be printed on all material describing the program, such as handbooks, letters and pamphlets, and on websites. The print for notices may not be smaller than the print of the text in the material. Prototype letters and forms available from the SA include the correct USDA announcement.

### Poster

The USDA poster "And Justice for All" must be displayed in all programs within sight of the customers. The web address for downloading the poster is included in the reference section of this manual.

EXCEPTION: CACFP Home Sponsor programs must display the poster in the offices of the sponsor. It need not be displayed in the homes.

### Media Notice

A media notice must be provided to the newspaper, radio or television station covering the service area of the program each year. For school programs, a media announcement is provided to a media distribution service. Schools must check to be sure that their local newspaper subscribes to this service. Schools served by media that do not subscribe to the service and all CACFP and SFSP providers must provide the announcement to the local media. Programs are not required to ensure that the announcement is published.

The notice must inform applicants, potentially eligible persons, participants and grassroots organizations of program features, including eligibility, benefits, services, location of facilities or service delivery points, hours of service.

### Photos and Graphic Depictions

Photos and graphic depictions used in promotional material must convey the message of equal opportunity.

### Training

Programs are responsible for annually training their front line staff and supervisors who interact with participants. Training requirements include:

- Collection and use of data,
- Effective public notification systems,
- Complaint procedures,
- Compliance review techniques,
- Resolution of noncompliance,
- Requirements for reasonable accommodation of persons with disabilities,
- Requirements for language assistance,
- Conflict resolution, and
- Customer service.

This manual is a guide to participating entities regarding their training obligations.

### Data Collection and Reporting

#### Data Collection

CNPs must collect and report information about the ethnicity and racial identity of participants. The information must be based on self-identification to the extent possible, and visual observation by program staff when participants do not self identify. In addition to the requirement to maintain source documents in a confidential manner, the information about ethnicity and racial designations must be safeguarded and maintained for three years following the close of the year it was collected.

It is required that ethnicity be determined first, then race. Each participant must be identified by BOTH ethnicity and race. Ethnicity asks if the applicant is Hispanic or Latino, or non-Hispanic or not Latino. Hispanic or Latino persons are of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

Race includes the following options:

- *American Indian or Alaskan Native*: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment;
- *Asian*: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;
- *Black or African American*: A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American;"
- *Native Hawaiian or Other Pacific Islander*: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands;
- *White*: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

The Iowa Eligibility Application presents the questions in the correct format and language.

### Reporting

School Programs: use the Ethnic Racial Form available at <http://www.iowa.gov/educate/content/view/369/435/>.

CACFP centers: It is recommended that CACFP programs use the enrollment form to collect this information. Report this on the institution application for enrolled participants on the CNP 2000 system. The management plan (Part III, question B, Civil Rights) requires that the ethnic and racial characteristics of the center's service area be reported.

CACFP HP: It is recommended that CACFP programs use the enrollment form to collect this information. Report this on the institution application for enrolled participants on the CNP 2000 system. The management plan requires that the ethnic and racial characteristics of the sponsor's service area be reported.

SFSP: The sponsor application requires that the ethnic and racial characteristics of the sponsor's service area be reported on the CNP 2000 system. Each site application requires the report of ethnic and racial characteristics of the actual participants.

### **Compliance Reviews**

CNPs must review feeding sites, sponsored centers and home providers for Civil Rights compliance. See the self assessment compliance audit form on page 12.

### **Resolution of Noncompliance**

When noncompliance is identified, CNPs must take immediate corrective action to achieve compliance voluntarily within 60 days.

### **Complaints**

CNPs must have a policy describing their process to ensure that complaints are handled properly. Links to the USDA complaint form and the complaint procedure based on Iowa's laws is included in the reference section of this manual.

### **Services to Persons with Limited English Proficiency (LEP)**

CNPs must take reasonable steps to ensure meaningful access to the information and services provided for people with limited English proficiency. People with LEP are those who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. "Reasonableness" takes into account the number and frequency of persons with LEP who come in contact with the program, the availability of translated material.

NOTE: Federal Civil Rights laws supersede any state law, where Federal funds are used to administer the program. Where a person is eligible to participate in a program, the English language shall not be required as the primary language to seek services and/or benefits.

See the reference section for assistance in locating translated material.

### **Services to Persons with Hearing Impairments**

Go to the reference section to locate assistance in communicating with people who are deaf or hard of hearing.

## SELF ASSESSMENT

This self assessment tool may be used to monitor feeding sites, sponsored centers and home providers, as a training tool or to assess a participating entity's compliance with Civil Rights requirements.

<b>SELF ASSESSMENT COMPLIANCE AUDIT</b>		Always Done	Improvement needed
Check each activity that your organization always does or that needs improvement. Then make a plan to correct activities that are not always done correctly. Resource materials and applicable forms are available in this manual or from other resources.			
1.	Meals are offered to all participants without discrimination based on race, color, national origin, sex, age or disability, creed, sexual orientation, gender identity, or religion. The same meals are offered to all participants of approximately the same age according to program requirements.		
2.	The approved media release is made available to local news media annually.		
3.	All households or participants are provided with information about Civil Rights requirements when they enroll or apply.		
4.	The USDA "And Justice For All" poster is displayed as required.		
5.	The correct non-discrimination statements are in any material intended for public information. The statements related to USDA and Iowa are clearly identified. The font size of the notices is no smaller than the print on the page.		
6.	Policies and procedures are in place to take and resolve a Civil Rights complaint.		
7.	Staff know what to do in the event of a Civil Rights complaint.		
8.	Annual notice is provided to minority interest groups in the program's service area that CNP services are open to them.		
9.	Staff are trained on Civil Rights requirements annually.		
10.	Ethnic and racial identities of participants are recorded and reported as required. The source documents used to collect racial/ethnic data are retained for three years. Confidentiality of the information is assured.		
11.	Households and participants who do not speak English or are hard of hearing are informed about the CNP. They are informed of the non-discriminatory nature of the Program in the appropriately translated material or translation services are used.		
<b>PLAN FOR IMPROVEMENT</b>			
<u>Changes to be made</u>		<u>By Whom</u>	<u>When</u>

## Training Expectations for Participating Entities

### **Training Requirements for All Programs**

**Who must be trained:** ALL front line staff and the direct supervisors of front line staff must be trained ANNUALLY.

Front line staff are those people who interact with applicants or participants. Examples of front line staff may include servers, secretarial staff who distribute or collect Iowa Eligibility Applications, SP staff conducting verification or CACFP staff conducting household contacts, SP or SFSP staff who supervise students during mealtimes. Additional staff may be trained at the program's discretion.

**Frequency of the training:** front line staff and their direct supervisors must be trained ANNUALLY.

Feeding sites, sponsored centers and home providers must be reviewed annually for compliance with training. The feeding sites, sponsored centers and home providers must be notified in writing of the review findings, required correction and recommendations for improvement.

**Format for the training:** The training may take any format as long as all required elements are included. Training may be conducted annually in a single block of time or broken into shorter segments throughout the year. It may be provided as a free-standing program or integrated into other training sessions such as orientation or inservice sessions. The training may be delivered by an instructor or as a self-directed program.

Participating entities that operate more than one program simultaneously (e.g., school meals and CACFP) may train all staff at the same time.

Attention may be focused on different elements based on the needs of the staff being trained. For example, staff who serve food but who do not work with Iowa Eligibility Applications may receive training with customer service as a primary focus. Staff who collect and process Iowa Eligibility Applications but who do not directly interact with participants may be provided training with increased emphasis on collection and use of data, language assistance, and conflict resolution.

**Documentation of training:** Documentation of training must be written, and must include

- the date the training was conducted,
- the time the training began and ended,
- the legible name of the person overseeing or delivering the training,
- the legible names and/or signatures of all participants, and
- an outline of the training provided and a copy of handouts

For self-directed training, the corrected Civil Rights post test is also required.

See the sample training attendance log on page 20.

A sample handout is included on pages 15-19.

**Required Elements:** All training must include all of the following topics:

- Collection and use of data,
- Effective public notification systems,
- Complaint procedures,
- Compliance review techniques,
- Resolution of noncompliance,
- Requirements for reasonable accommodation of persons with disabilities,
- Requirements for language assistance,
- Conflict resolution, and
- Customer service.

## **Requirements for Specific Programs**

School Meals: Local Education Agencies (LEAs) are considered to be the participating entity. Training may be provided by staff employed by a food service management company.

CACFP Centers and Home Providers: Civil Rights training may be counted towards the annual training requirement as either the actual time spent in training or 30 minutes, whichever is less.

SFSP: training must be completed prior to the beginning of operations.

## **PowerPoint \* Programs**

PowerPoint programs have been developed to assist participating entities with the delivery of training to their staff. The programs have been developed specifically for School Meals Programs, center-based Child and Adult Care Food Programs, home based Child and Adult Care Food Programs and Summer Food Service Programs. Click on the link below and select the PowerPoint for the program desired.

<http://www.iowa.gov/educate/content/view/1262/866/>

\*PowerPoint is a registered trademark and proprietary program of Microsoft Corporation.

Self assessment tests and answer sheets are included in this manual.

## General Civil Rights Handout

This handout may be used as a training aid. It may be used alone or with a PowerPoint presentation.

### Goals:

- To make Child Nutrition Program (CNP) benefits equally available to all;
- To notify participants and households that the CNP is a non-discriminatory federal program;
- To ensure staff know and comply with Civil Rights requirements and procedures, under both USDA regulations and Iowa law.

### Key Points for Discussion

#### 1. Civil Rights Policy

The U.S. Department of Agriculture prohibits discrimination in CNPs on the basis of race, color, national origin, sex, age and disability (**FNS Instruction 113-1**). Iowa law prohibits discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion (Iowa Code Section 216).

#### 2. Basic Civil Rights Requirements

- a. Equal Access and Service (USDA) – In CNPs, no person shall, on the grounds of race, color, national origin, sex, age or disability, be denied the benefits of the CNP or otherwise be subjected to discrimination.
- b. Equal Access and Service (Iowa) – No CNP shall discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion in its programs, activities, or employment practices.
- c. Reasonable Accommodations for Persons with Disabilities – Program information in alternative formats for persons with disabilities must be made available. Reasonable effort must be made to allow persons with disabilities equal access to the CNP services.
- d. Requirements for Language Assistance – Participating entities have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP) and/or hearing impairments.

#### 3. Public Notification

- a. Basic Elements – CNPs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of the program availability; program rights and responsibilities; the policy of nondiscrimination; and the procedure for filing a complaint. The public notification system must include the following basic elements:
  - Program Availability – Each participating entity must take specific action to inform applicants, participants, and potentially eligible persons of their Program rights and responsibilities and the steps necessary for participation.
  - Complaint Information – Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures. Complaint procedures must describe the processes to make a complaint under both USDA rules and Iowa law.
  - Nondiscrimination Statement – All materials and sources, including websites, used by a participating entity to inform the public about the CNP must contain the USDA and the Iowa nondiscrimination statements. Participating CNP agencies must include the following nondiscrimination statement to comply with USDA rules:

*“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”*

If the material is too small to permit the full statement to be included, the materials will at a minimum include the following statement, in print size no smaller than the text: “This institution is an equal opportunity provider.”

## Civil Rights in Iowa Child Nutrition Programs

Participating CNP agencies must include the following nondiscrimination statement to comply with Iowa law:

*"It is the policy of (Name of CNP provider) not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.7. If you have questions or grievances related to compliance with this policy by (Name of CNP Provider), please contact the Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; web site: <http://www.state.ia.us/government/crc/index.html>."*

- b. **Methods of Notification** – Each participating entity must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the CNP and applicable Civil Rights requirements.
- Prominently display the USDA "And Justice for All" poster in each location where services are provided.
  - Inform potentially eligible persons, applicants, participants, and grassroots organizations of Programs or changes in Programs.
  - Ensure that a media release has been provided annually to local media outlets.
  - Provide appropriate information, including web-based information, in alternative formats for persons with disabilities or limited English comprehension.
  - Include the required USDA and Iowa nondiscrimination statements on all appropriate entity publications that make reference to the CNP or admissions (e.g. parent handbook, letters, information materials provided to the public, etc).
  - Convey the message of equal opportunity in all photographs and other graphics that are used to provide program or program-related information.

#### 4. Data Collection and Reporting

Each participating entity is required by USDA to obtain data by ethnic category and race on potentially eligible populations, applicants, and participants in their Program service area. Program applicants/participants may not be required to furnish information on their race or ethnicity.

- Self-identification is the preferred method of obtaining data for enrolled participants. Program applicants and participants should be encouraged to provide the information by explaining that the collection is a statistical reporting requirement and it has no effect on participants' eligibility to receive benefits.
- If the applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be made and recorded on the enrollment form.
- The data collector may not "second guess" or in any other way change or challenge a self-declaration made by the applicant about his or her race or ethnic background unless such self declarations are patently false.
- Such data must be collected for each center and must be maintained on file for three years plus the current year, maintained under safeguards that restrict access of records only to authorized personnel and treated as confidential.

#### 5. Compliance Reviews

- a. **State Agency Reviews**
- The State Agency must determine that all institutions appear to be in compliance with USDA Civil Rights requirements prior to approval for participation in the CNP and prior to application renewal.
  - All State Agency CNP monitoring reviews include a review of on-going USDA Civil Rights compliance at the institution.
- b. **USDA Monitoring Requirements**
- Participating entities must review their sites for USDA Civil Rights compliance when they conduct monitoring reviews.
  - A compliance self assessment checklist is attached. Participating entities may use this form or another form.
  - If apparent non-compliance is identified on a review, the monitor must document the areas of perceived non-compliance and develop a corrective action plan.



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- On subsequent reviews, the monitor must document follow-up to show corrective actions were implemented and maintained.

### 6. Resolution of Non-Compliance

If perceived non-compliance of USDA Civil Rights rules is indicated on a State Agency review, corrective action must be taken immediately to achieve voluntary compliance within 60 days. If voluntary compliance is not achieved, the USDA Regional Office will be notified.

### 7. Procedures for Handling Complaints

- a. **USDA:** A complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability, either written or verbal, must be made within 180 days of the event.
  - If a participating entity receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint. Complaints should be submitted using the Sample Civil Rights Complaint Form or a similar form that includes all the same information.
  - Complaints should be forwarded promptly to the State Agency or directly to USDA using the address in the nondiscrimination statement.
- b. **Iowa:** a complaint alleging discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, or religion, may be made by contacting the Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th St., Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; web site: <http://www.state.ia.us/government/crc/index.html>. A complaint must be made within 300 days of the event, beginning July 1, 2008.

### 8. Conflict Resolution

USDA encourages the resolution of complaints at the lowest possible level and as quickly as possible. Complaints should be resolved using principles of alternative dispute resolution (ADR). ADR includes the use of a neutral third party (facilitator) to resolve a complaint of discrimination informally. The facilitator works with the parties to help them develop an agreeable resolution to their problems.

### 9. Customer Service

Good customer service will help reduce or eliminate complaints of discrimination. All participants must be treated in the same manner.

- All participants of approximately the same age must receive or be offered the same planned menu items in the same amounts. Refer to the menu planning requirements in the *Food Buying Guide*.
- Participants with special needs will have their needs addressed based on the severity of the need.
- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

### 10. Equal Opportunity for Religious Organizations

Faith-based and community-based organizations have a long history of involvement in Federal nutrition assistance programs and a tradition of supporting low-income individuals by providing a wide range of social services. These organizations are important and longstanding partners in the Department of Agriculture's efforts to provide nutrition assistance to those in need.

- Faith-based and community-based organizations may participate in the CNP on equal footing with other kinds of local organizations.
- A religious organization may retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytizing.
- Faith-based organizations may use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures, or other religious symbols.
- Faith-based organizations are not exempt from the requirements of Federal or Iowa law.

### 11. Civil Rights Training

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All CNP institutions are responsible for training their sponsored center sites, including “front line staff.” “Front line Staff” who interact with program applicants or participants, and those person who supervise “front line staff,” must be provided Civil Rights training on an annual basis. Required topics must include:

- Collection and use of data,
- Effective public notification systems,
- Complaint procedures,
- Compliance review techniques,
- Resolution of noncompliance,
- Requirements for reasonable accommodation of persons with disabilities,
- Requirements for language assistance,
- Conflict resolution, and
- Customer service.

All training must be documented. See page 21 for a sample attendance form.

## Civil Rights Knowledge Check!

Name\_\_\_\_\_Date\_\_\_\_\_

- 1: What are the 6 protected conditions that you cannot discriminate against under USDA requirements?
  
- 2: Do you need to provide information about your meal programs in other languages if you have a number of families who do not speak or read English?  
Yes\_\_\_\_\_ No\_\_\_\_\_ Why or why not?
  
- 3: In collecting racial and ethnic information about your participants, can you require them to fill in that information on enrollment forms you use?  
Yes\_\_\_\_\_ No\_\_\_\_\_
  
- 4: Is the parent letter that informs families about free and reduced price meal applications and meal availability part of the civil rights notification materials?  
Yes\_\_\_\_\_ No\_\_\_\_\_
  
- 5: Can your school or child care or institution decide that a civil rights complaint is not serious enough to follow the complaint procedures?  
Yes\_\_\_\_\_ No\_\_\_\_\_ Why or why not?
  
- 6: Can a participant complain about discrimination based on age that happened 12 months ago?  
Yes\_\_\_\_\_ No\_\_\_\_\_
  
- 7: Do the servers on line need to know about civil rights procedures?  
Yes\_\_\_\_\_ No\_\_\_\_\_ Why or why not?
  
- 8: If the person making the complaint doesn't want to fill in the complaint form, can the school, child care or institution ignore the complaint?  
Yes\_\_\_\_\_ No\_\_\_\_\_

## Civil Rights Knowledge Check Answer Key

**1:** What are the 6 protected conditions that you cannot discriminate against?

A: race, color, national origin, sex, age or disability.

**2:** Do you need to provide information about your meal programs in other languages if you have a number of families who do not speak or read English?

A: yes, you need to make reasonable access to information for them.

**3:** In collecting racial and ethnic information about your participants, can you require them to fill in that information on enrollment forms you use?

A: no, filling out information is voluntary.

**4:** Does the parent letter that informs families about free and reduced price meal applications and meal availability part of the Civil Rights notification materials?

A: yes, it includes information about the protected conditions and the complaint address.

**5:** Can your school or child care or institution decide that a Civil Rights complaint is not serious enough to follow the complaint procedures?

A: no, every complaint needs to be taken seriously.

**6:** Can a participant complain about discrimination based on age that happened 12 months ago?

A: no, they must file the complaint within 180 days (approximately 6 months). Age is a protected class under USDA rules only.

**7:** Do the servers on line need to know about Civil Rights procedures?

A: yes, because they are in contact with the participants on a daily basis, and may be receiving the Civil Rights complaints.

**8:** If the person making the complaint doesn't want to fill in the complaint form, can the school, child care or institution ignore the complaint?

A: no, you must fill it out for them.

## Civil Rights Training Attendance Log

**Instructions:** Use this form to document annual staff attendance at Civil Rights training. Training may be group training, either in or out of the institution or individual on the job training, such as new staff orientation, or individual training with resources. **Please attach copies of related handouts or other materials used in the training.**

Date \_\_\_\_\_ Location of training \_\_\_\_\_

Training beginning time \_\_\_\_\_ Ending time \_\_\_\_\_

Presenter's name & position \_\_\_\_\_

**Signatures of those trained:**

1. _____	21. _____
2. _____	22. _____
3. _____	23. _____
4. _____	24. _____
5. _____	25. _____
6. _____	26. _____
7. _____	27. _____
8. _____	28. _____
9. _____	29. _____
10. _____	30. _____
11. _____	31. _____
12. _____	32. _____
13. _____	33. _____
14. _____	34. _____
15. _____	35. _____
16. _____	36. _____
17. _____	37. _____
18. _____	38. _____
19. _____	39. _____
20. _____	40. _____

### References from USDA

FNS Civil Rights regulation 113-1 [www.fns.usda.gov/cr/crregulation.htm](http://www.fns.usda.gov/cr/crregulation.htm) or <http://www.iowa.gov/educate/content/view/1262/866/>

Alternative Dispute Resolution [www.fns.usda.gov/cr/adr.htm](http://www.fns.usda.gov/cr/adr.htm)

“Justice for All” poster [www.fns.usda.gov/cr/justice.htm#Translations](http://www.fns.usda.gov/cr/justice.htm#Translations).

Free and Reduced Price meal applications translations [www.fns.usda.gov/cnd/FRP/frp.process.htm](http://www.fns.usda.gov/cnd/FRP/frp.process.htm)

### Other Training Resources (National Food Service Management Institute)

Building Human Resource Management Skills: Leadership Development for Managers

[http://www.nfsmi.org/Information/HR\\_modules/leadership\\_modules.htm](http://www.nfsmi.org/Information/HR_modules/leadership_modules.htm)

Valuing Differences in the Workplace: <http://www.nfsmi.org/Education/Satellite/ss32/satinfo.html>

Go for the Gold in Customer Service: [http://www.nfsmi.org/Information/go\\_for\\_the\\_gold/pdf\\_list.htm](http://www.nfsmi.org/Information/go_for_the_gold/pdf_list.htm)

### Agencies

US Commission on Civil Rights [www.usccr.gov/index.html](http://www.usccr.gov/index.html)

Iowa Civil Rights Commission [www.state.ia.us/government/crc/](http://www.state.ia.us/government/crc/)

### Services for the Deaf or Hard of Hearing

#### Relay services

Relay services enable people who are deaf or hard of hearing to send and receive communication from hearing persons. By including providers on this list, no recommendation or endorsement is made for any relay provider. Relay providers may charge a fee or require a subscription for their services.

These services require a telecommunication device for the deaf (TTY or TDD) to be used by the person who is deaf or hard of hearing. The relay operator reads the TTY/TDD transmission to the hearing person and types in the response.

[www.relayiowa.com/tai/](http://www.relayiowa.com/tai/)

[www.consumer.att.com/relay/](http://www.consumer.att.com/relay/)

[www.sprintrelayonline.com/](http://www.sprintrelayonline.com/)

[www.ip-relay.com/](http://www.ip-relay.com/)

This relay service is video based, allowing a deaf or hard of hearing person to use American Sign Language, which is translated into spoken language for the hearing participant.

[https://www.hovrs.com/VRS\\_SSL/hovrs.aspx](https://www.hovrs.com/VRS_SSL/hovrs.aspx)

or enter “relay services iowa” into your browser search window.

#### Interpreters for the Deaf

Iowa State Registry of Interpreters for the Deaf

[www.iowastaterid.org/](http://www.iowastaterid.org/)

### Language Interpretation

Language interpretation services over the telephone is available. A fee is charged for this service.

<http://www.languageline.com/>

### Alternative Dispute Resolution Services

By including providers on this list, no recommendation or endorsement is made for any provider. Providers may charge a fee for their services.

USDA Food and Nutrition Services [www.fns.usda.gov/cr/adr.htm](http://www.fns.usda.gov/cr/adr.htm)

Mediators in Iowa [www.mediate.com/iowa/](http://www.mediate.com/iowa/)

Iowa Mediation Services [www.iowamediationservice.com/](http://www.iowamediationservice.com/)

AEA Resolution Facilitator Process [www.iowa.gov/educate/content/view/612/1396/](http://www.iowa.gov/educate/content/view/612/1396/)

### Complaint Forms

Iowa: [www.state.ia.us/government/crc/forms/index.html](http://www.state.ia.us/government/crc/forms/index.html)

USDA: Appendix E, FNS Instruction 113-1, <http://www.iowa.gov/educate/content/view/1262/866/>